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Switzerland: The 'Globalisation Paradox' in Constitutional Practice

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Switzerland

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I. INTRODUCTION: THE "GLOBALIZATION PARADOX" IN CONSTITUTIONAL PRACTICE

Switzerland is the most globalized country in the world based on 43 variables reflecting the economic, political, and social dimensions of globalization.[1] Though not being a member of the European Union (EU), it is closely linked to the latter by a densely knit network of bilateral treaties allowing, among other things, for free movement of persons.[2] Switzerland furthermore undertakes to abide by the judgments of the European Court of Human Rights (ECtHR). The Court has construed the European Convention on Human Rights (ECHR) as a "living instrument" since 1978,[3] expanding the ECHR in both scope and relevance. At the same time, the Swiss Federal Constitution (Fed Const)[4] is a "popular constitution".[5] All amendments to the Constitution are subject to a referendum. Such referenda are abundant: In 2018 alone Swiss voters were called to the ballot box on four different occasions to vote on a total of eight constitutional draft amendments. Switzerland's constitutional design therefore emphasizes popular sovereignty and democratic self-governance. Being a small and open economy, Switzerland is, at the same time, vulnerable to changes in its political, economic, and legal environment, having only limited political clout to shape world markets and the rules and regulations thereof. It is thus often left with little choice but to flexibly adapt to changing circumstances.[6] The inherent tensions between self-governance, democracy, and economic globalization, for which Dani Rodrik coined the term "globalization paradox", are well known.[7] Constitutional developments of the past year in Switzerland bear witness of this globalization paradox.

[1] Savina Gygli, Florian Haelg, Niklas Potrafke and Jan-Egbert Sturm, 'The KOF Globalisation Index Revisited' (2019) *Rev Int Organ* <https://doi.org/10.1007/s11558-019-09344-2> (incl. the relevant ranking available under <http://www.kof.ethz.ch/globalisation>

All of the documents cited in this review were last accessed on 1 October 2019.

[2] See Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons [21 June 1999] O J L 114, 30/04/2002, 6-72.

[3] ECtHR, *Tyler v UK*, App no 5856/72 (25 April 1978).

[4] Federal Constitution of the Swiss Confederation of 18 April 1999 (unofficial English translation available at <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html>).

[5] Johannes Reich, 'Switzerland: The State of Liberal Democracy', in Richard Albert et al (eds), *2017 Global Review of Constitutional Law* (2018) 280-285, 280.

[6] See the seminal work on the matter by Peter J Katzenstein, *Corporatism and Change: Austria, Switzerland, and the Politics of Industry* (1984) 84, 112-132.

[7] See Dani Rodrik, *The Globalization Paradox* (2011) xviii (according to whom the term "globalization paradox" conveys that one "cannot simultaneously pursue democracy, national determination, and economic globalization").

[8] The results of all federal popular votes since 1848 can be accessed at the site of the Swiss Federal Chancellery in German, French, and Italian at <www.bk.admin.ch/ch/d/pore/va/vab_2_2_4_1.html>.

II. MAJOR CONSTITUTIONAL DEVELOPMENTS[8]

1. "Self-determination Initiative": Choosing Economic Globalization and International Human Rights over "Taking Back Control"

The popular initiative "Swiss Law Instead of Foreign Judges (Self-determination Initiative)", put to a popular vote on 25 November 2018, illustrates the tensions embraced by the globalization paradox in an exemplary manner. The campaign in favor of the Self-determination Initiative stressed the relevance of democratic self-governance undeterred by international and supranational courts ("foreign judges"). Those opposing the constitutional draft amendment, including both the Federal Assembly (federal legislative branch) and the Federal Council (federal executive branch), underscored the importance of the ECtHR as an independent judicial authority in human rights law and Switzerland's reliability in the international arena.

In its Article 190, the Swiss Federal Constitution commits all courts to adhere to both Federal Statutes enacted by Federal Parliament and international law even in the event of a conflict with the Federal Constitution. As the ECtHR, in turn, monitors Switzerland's compliance with the ECHR unhindered by a similar clause limiting the scope of its review, the Federal Court (Switzerland's federal supreme court) held that the ECHR and other international human rights treaties take precedent over Federal Statutes.[9] In a controversial *obiter dictum* of 2012, the Court went further, stating that the ECHR could also "precede norms of the Federal Constitution itself".[10] Elevating this line of argument to the *ratio decidendi* of its case law would have far-reaching consequences given the Constitution's emphasis on popular sovereignty and democratic self-governance. The Federal Constitution allows for amending it by way of popular initiatives if 100,000 citizens, whose signatures must be collected within 18 months, back the draft amendment put forward by a committee of 7 to 27 citizens.[11] For the ECHR in its evolutive interpretation by the ECtHR to take invariable precedent over federal constitutional law "would transform the ECHR into an additional (supra-)constitutional layer above the actual domestic constitution",[12] limiting the scope of future constitutional amendments. According to the text of the Constitution, such amendments are merely confined by the "peremptory norms of international law" (*ius cogens*), such as the prohibition of genocide, torture, slavery, or inhuman and degrading treatment.[13]

The aforementioned Article 190, Fed Const, however, provides Federal Parliament with some margin of appreciation in making its own assessment of how to square conflicting obligations deriving from constitutional provisions and international law. Enshrined in a Federal Statute, such an assessment becomes binding on all domestic courts as a consequence of Article 190, Fed Const. With regard to the courts, the provision according to which the Swiss Federation "shall respect international law" (Article 5, Section 4, Fed Const)—consciously avoiding the verb "to precede"—provides courts with some leeway in their assessment of the relation between domestic and international law in their case law. In contrast, the constitutional draft amendment put forward by the Self-determination Initiative sought to establish an absolute and retroactive precedent of the Federal Constitution over international law with the sole exemption of the aforementioned peremptory norms of international law.

Whereas supporters of the Self-determination Initiative claimed that the constitutional amendment would save direct democracy and "re-establish" popular sovereignty (or in short, allow the People "to take back control"), opponents pointed out that an invariable precedent of constitutional over international law would seriously jeopardize not only Switzerland's treaty with the EU on free movement of persons given the constitutional obligation to restrict the "number of residence permits for foreign nationals in Switzerland (…) by annual quantitative limits and quotas"[14] but also, in view of the so-called "guillotine clause" declaring a number of bilateral agreements with the EU to be mutually dependent,[15] the treaties on areas such as technical barriers to trade, research, and civil aviation. It was furthermore questioned whether Switzerland could remain a reliable signatory state of the ECHR in view of an effective constitutional reservation to comply with judgments of the ECtHR. In that perspective, Swiss voters were offered a choice between the promise to re-establish direct democracy and self-government on the one hand and upholding both international human rights law and economic globalization on the other hand. Accustomed to such trade-offs at least since the rejection of the treaty on joining the European Economic Area in a popular vote on 6 December 1992, Swiss voters favored international human rights law and economic globalization over the promise of "taking back control" by a large margin: Two-thirds (66.2%) of the voters rejected the Self-determination Initiative. The proposal failed to prevail in any of the 26 Cantons (states).

2. Constitutional Draft Amendments: From Privatizing Public Broadcasting Service to Subsidizing Horned Cows

As to the other seven constitutional draft amendments put to a popular vote in 2018, the voters on 4 March 2018 approved pro-

[9] See BGE 125 II 417 para 4 (26 July 1999).

[10] BGE 139 I 16 para 5 (12 October 2012).

[11] See Reich, op. cit. 5, at 282.

[12] Reich, op. cit. 5, at 283.

[13] See Johannes Reich, 'Direkte Demokratie und völkerrechtliche Verpflichtungen im Konflikt' (2008) *Heidelberg J of Int L* 979, 1024–25 (available at <www.ivr.uzh.ch/reich>).

[14] Art 121a, Clause 2, Fed Const.

[15] See, e.g., Article 25, Clause 4, Agreement on Free Movement, op. cit. 2.

longing the powers of the Federation to levy direct federal tax and VAT beyond 2020 until the year of 2035 by a large margin of over 84%. On the same day, a popular initiative seeking to privatize public-service broadcasting by rendering federal subsidies in favor of TV and radio stations unconstitutional was voted down by a ratio of 3 to 1. The "Sovereign Money Initiative", aimed at limiting money creation to Switzerland's central bank and barring private banks from creating money, in particular through granting loans, met the same fate at the ballot box on 10 June 2018. Three months later, on 23 September 2018, the aforementioned tensions between self-governance and economic globalization again came to light, albeit merely limited to food and agriculture. The "Fair Food Initiative" sought to limit food imports to agricultural goods produced in compliance with high standards as to the environment, workers' rights, and animal welfare, whereas the "Food Sovereignty Initiative" aimed at limiting food imports to boost eco-friendly domestic production. Both constitutional draft amendments would have created tensions with obligations under international trade law. They were voted down by a margin of roughly 2 to 1. Contrary to these two popular initiatives, a constitutional draft amendment expanding the power of the Federation to enact "principles" with regard to bicycle paths (bikeways) and the financial support thereof was approved by three-quarters of the voters. Finally, a constitutional draft amendment put forward by the so-called "Horned Cow Initiative", launched by a mountain farmer without any support of political parties or interest groups, called for federal subsidies to farmers refraining from dehorning their cows, bulls, and goats. The initiative gained considerable sympathy but was nonetheless rejected by 54.7% of the voters and 20 out of 26 Cantons on 25 November 2018.

In sum, a mere two of the eight constitutional draft amendments put to a popular vote in 2018 were approved: one prolonging the powers of the Federation to levy direct federal tax and VAT, the other granting the Federation powers to enact guidelines in relation to bicycle paths. It is important to note that all of the popular initiatives put to a popular vote in 2018 were rejected. This underscores the low success rate of popular initiatives, currently standing at 10%, measured since the introduction of such initiatives at the federal level on 5 July 1891 until the end of 2018. Both of the successful amendments in 2018 were initiated by the Federal Government and both expanded the powers of the Federation at the expense of the Cantons.

3. Failed Reversal of Court Rulings on the Constitutionality of Electoral Systems

Recent case law of the Federal Court considerably limited the autonomy of the Cantons regarding the voting process applying to their parliamentary elections by committing them in principle to proportional representation.[16] This case law mainly drew criticism due to the lack of any clear textual basis in the Federal Constitution restraining the choice to be made by the Cantons between electoral systems. Two small Cantons brought a motion to the bicameral Federal Parliament, the Federal Assembly, seeking to reverse the relevant recent case law by way of a constitutional amendment. The motion won the support of the Council of States, the equivalent of the United States Senate, in which representatives of smaller Cantons are in a majority. The National Council, however, in which seats are allocated to the Cantons according to their relative populations, failed to lend its support to the motion. The Federal Court's case law on the matter thus remains in place.

III. CONSTITUTIONAL CASES

1. Khalaf M Al-Dulimi v Federal Department of Economic Affairs, Education and Research: Fair Trial and Targeted Sanctions by the U.N. Security Council[17]

Pursuant to Article 25 of the Charter of the United Nations (U.N. Charter), Switzerland is, like any other member of the United Nations (U.N.), under an obligation to "carry out the decisions of the Security Council". According to Article 103, U.N. Charter, obligations deriving from the U.N. Charter "shall prevail" when in conflict with any other "obligations under any other international agreement". The ECHR, in its Article 6, nonetheless commits Switzerland to provide for "a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law" in the determination of an individual's "civil rights and obligations or of any criminal charge".[18] Targeted sanctions imposed by the U.N. Security Council against individuals without adequate due process therefore result in a dilemma for Switzerland of being caught between conflicting obligations under international law. A case brought by Youssef Mustapha Nada, at the time a resident of the Italian enclave of Campione, surrounded by the Swiss Canton of Ticino,[19] ending with a decision by the ECtHR holding that Switzerland was in violation of its obligations under the ECHR,[20] brought this dilemma to light for the first time.

The case of *Khalaf M. Al-Dulimi* offered no escape from this dilemma but added yet another layer of complexity. Mr Dulimi was, according to the U.N. Security Council, the head of finance of the Iraqi secret services during the regime of Saddam Hussein. As a consequence and in accordance with the respective U.N. Security Council Resolution

[16] Reich, op. cit. 5, at 281.

[17] BGE 144 I 214 (31 May 2018), in French, accessible at <www.bger.ch>.

[18] Johannes Reich, 'Due Process and Sanctions Targeted Against Individuals Pursuant to Resolution 1267' (1999), *Yale Journal of International Law* 33 (2008) S. 505-511 (505-509).

[19] See Reich, op. cit. n. 18 at 507-509.

[20] ECtHR (Grand Chamber), *Nada v Switzerland,* App no. 10593/089 (12 September 2012).

1483 (2003) of 23 May 2003, the Swiss Federal State Secretariat for Economic Affairs (SECO), an administrative agency forming part of the Federal Department of Economic Affairs, Education and Research, froze both Mr Dulimi's own assets and economic resources in Switzerland and those of Montana Management, a company under his control, as they both directly or indirectly belonged to a senior official of the former Iraqi Government. Mr Dulimi remained unsuccessful not only in his attempts to be heard (through the Swiss Federal Government) by the U.N. Security Council sanctions committee in order to have his name deleted from the blacklist but also with regard to challenging the asset freeze in Switzerland's domestic courts. The Federal Court, in three decisions handed down on 23 January 2008, rejected Mr Dulimi's appeals, holding that the wording of the aforementioned Resolution 1483 provided the Swiss federal administration with no leeway but to implement the sanctions thereof in view of the aforementioned Article 103, U.N. Charter.[21] In defiance of Article 103, U.N. Charter, the ECtHR (Grand Chamber) undertook what it called a "harmonious interpretation"—or rather, as Judge Nussberger's memorable dissent puts it, a "*fake* harmonious interpretation"—of Resolution 1483 in light of both the ECHR and the U.N. Charter in its judgment of 21 June 2016.[22] The Court held that Switzerland would have been entitled to a limited review of arbitrariness of sanctions imposed by the U.N. Security Council against Mr Dulimi in spite of the unambiguous wording in which Resolution 1483 spelled out Switzerland's obligations. Switzerland, in the view of the Court, therefore violated Mr Dulimi's right to a fair trial guaranteed by Article 6, ECHR.

On appeal and in view of said decision by the ECtHR, the Swiss Federal Court, in a judgment dated 31 May 2018,[23] repealed its own aforementioned decisions of 23 January 2008 and handed the case back to the SECO. It will be for the SECO to gather all of the relevant information and assess whether imposing targeted sanctions against Mr Dulimi either amounted to an apparently arbitrary decision or rather appears permissible weighing all of the relevant factual and legal considerations in light of the limited review available to domestic authorities according to the ECtHR's harmonious interpretation approach.

The case of *Al-Dulimi* echoes the lessons of *Nada*:[24] it is for the U.N. Security Council to provide for due process with regard to sanctions targeted against individuals. The persistent failure of the Security Council in general and the "5P", its five Permanent Members, in particular to provide for adequate due process not only seriously undermines the U.N.'s reputation as a champion of human rights but carries the risk of further fragmenting the U.N. sanctions regime "along the borders of national and supranational jurisdictions".[25]

2. A. and Others v Federal Office of Public Health: Children's Rights and Public Awareness Campaign Aimed at Preventing HIV and Other STDs[26]

More than 40 years ago, in 1987, the Federal Office of Public Health (FOPH) launched its first public awareness campaign aimed at preventing the spread of the Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), respectively. The campaign was soon extended to other sexually transmitted diseases (STDs). From its very beginning, the messages were at the same time realistic, sober, and straightforward. The campaign advised the use of condoms, whereas moral suasion to abstain from a promiscuous lifestyle or to commit to marital faithfulness took a backseat. Rather unsurprisingly, the campaign faced political headwind at times, yet the substantial decline in new infections with HIV and other STDs, at least partly attributed to the well-known campaign, silenced the criticism. When the campaign was relaunched in 2014 with a lower budget, it was designed to maximize its impact. The hedonic slogan "Love Life" was accompanied not only by a picture of a condom but by intimate and rather explicit images of aesthetic nude heterosexual and homosexual couples. A casting was advertised not for models but "normal couples" to feature on the posters and in the video clips of the campaign. In line with the laws of "attention economy", media outlets were all too willing to cover these events, claiming with feigned indignation that the FOPH would produce "pornographic material". This coverage multiplied the campaign's message at no further cost to the taxpayer.

A. and others, a group of conservative Christian children (or rather their parents), however, strongly objected to the relaunched campaign. Claiming that the campaign interfered with the constitutional provision according to which "children and young people have the right to particular protection of their integrity and to care for their development" (Article 11, Section 1, Fed Const), they formally petitioned the FOPH to immediately cancel the campaign. A. and others lodged an unsuccessful appeal with the Swiss Federal Administrative Court challenging the FOPH's refusal. Thereinafter the case reached the Federal Court. The Court found no violation of the aforementioned constitutional provision, holding that the images used in the campaign failed to amount to "pornography" in the meaning of the Criminal Code.
Narrowly framing the case, the Court left unaddressed the novel challenges raised by awareness campaigns by the public admin-

[21] BGer, 2A.783/2006, 2A.784/2006, and 2A.785/2006 (all of 23 January 2008).

[22] ECtHR (Grand Chamber), *Dulimi and Montana Management Inc v Switzerland,* App no 5809/08 (21 June 2016).

[23] BGE 144 I 214.

[24] See Reich, op. cit. n. 18 at 510-11.

[25] Reich, op. cit. n. 18 at 510.

[26] BGE 144 II 233 (15 June 2018), in German, accessible at <www.bger.ch>; for a detailed assessment, see Johannes Reich, 'A Bigger Bang for a Buck. Staatliche Warnungen und Empfehlungen zwischen Grundrechtsschutz, Kindeswohl und Aufmerksamkeitsökonomie', in: Ruth Arnet et al. (eds), *Der Mensch als Mass. Festschrift für Peter Breitschmid* (2019) 185-199.

istration designed at efficiently maximizing their message being indistinguishable from advertising campaigns in the private sector. Among these challenges is whether media coverage of an awareness campaign effectively amounting to a "public-private partnership *sui generis*" does indeed fail to be attributable to the public administration even if the latter intentionally designed its communication in a way to provoke such sensationalist media reports.[27]

3. Swiss Association of Public Servants v. Council of State of the Canton of Ticino: Trade Union Rights[28]

The Council of State of Ticino, the executive branch of the Canton of Ticino, took the decision to ban activities of trade unions from buildings occupied by the public administration. Trade union officials were thus prevented from entering such premises when acting in their capacity as trade unionists. Meetings taking place in premises of the public administration between trade union officials and public servants would, according to the decision by the Council of State, be only permissible outside of working hours, subject to approval by the state chancellery, granted or rejected on a case-by-case basis. The Administrative Court of the Canton of Ticino dismissed an appeal launched by the Swiss Association of Public Servants, a labor union representing public servants, holding that the right granted to employees and employers alike to establish professional associations (Article 28, Fed Const) would not grant the right for trade unions to enter premises occupied by the public administration. On appeal, the Federal Court acknowledged that the text of the Federal Constitution failed to provide any indication as to whether or not the right to enter buildings occupied by the public administration would form part of Article 28, Fed Const. Interpreted in light of international law, in particular Article 11, Section 1, ECHR and Conventions No. 87 and 98 of the International Labor Organization, said provision of the Constitution would, according to the Court, indeed entail such a right. The Federal Court therefore dismissed the regulation by the Council of State of Ticino as being disproportional and therefore unconstitutional.

IV. LOOKING AHEAD

On 20 October 2019, elections of the Federal Parliament will take place. At the beginning of the four-year term, elections of the Federal Council (executive branch) will be held in a joint session of the Federal Assembly in December 2019.[29] While gains and losses tend to remain relatively low in national elections and the five parties represented in the Federal Council have virtually remained the same since 1959, the dilemma captured by the globalization paradox is most likely to form a recurrent theme in the election campaign of 2019, as Switzerland and the EU have been in negotiations with regard to an "institutional agreement" since 22 May 2014. On 7 December 2018, the Federal Council took note of the outcome of said negotiations, refrained from initialing the draft of the respective "Agreement facilitating the bilateral relations between the EU and the Swiss Confederation with regard to the parts of the Internal Market in which Switzerland participates" ("Institutional Agreement"),[30] and launched a consultation thereof to be reviewed in spring 2019. The institutional agreement between the EU and Switzerland seeks to provide a legal framework for existing and future market access agreements between the two in order to enhance their equal application. Yet, such stable and predictable economic globalization comes at a price. Switzerland would have to commit to a "dynamic adoption approach" allowing for the regular update of the market access agreements in line with the EU's secondary legislation. Disputes between the parties would be referred to an arbitration panel. In all matters concerning the interpretation of EU law, said panel would have to request a ruling by the Court of Justice of the European Union (CJEU) and would then resolve the dispute based on its holding. While both of these elements might be difficult to square with democratic self-determination from a Swiss perspective, the Council of the EU reiterated that any further development of the sectoral approach, such as the conclusion of important treaties on electricity and financial services, would be conditional upon entering into an institutional agreement. Against this backdrop, the globalization paradox is likely to remain a defining feature of Swiss constitutional law and politics in 2019 and beyond.

V. FURTHER READING

Swiss Political Science Review 24 (4) (2018), Special Issue: *The 2015 Swiss National Elections*

Matthias Oesch, *Switzerland and the European Union* (2018)

[27] Reich, op. cit. 26, at 196.

[28] BGE 144 I 50 (6 September 2017), in Italian, accessible at <www.bger.ch>.

[29] See Article 175, Section 2, Fed Const.

[30] 'Accord facilitant les relations bilatérales entre l'Union Européenne et la Confédération Suisse dans les parties du Marche Intérieur auxquelles la Suisse participe' (23 November 2018, available at <www.dfae.admin.ch/dam/dea/fr/documents/abkommen/Acccord-inst-Projet-de-texte_fr.pdf>).

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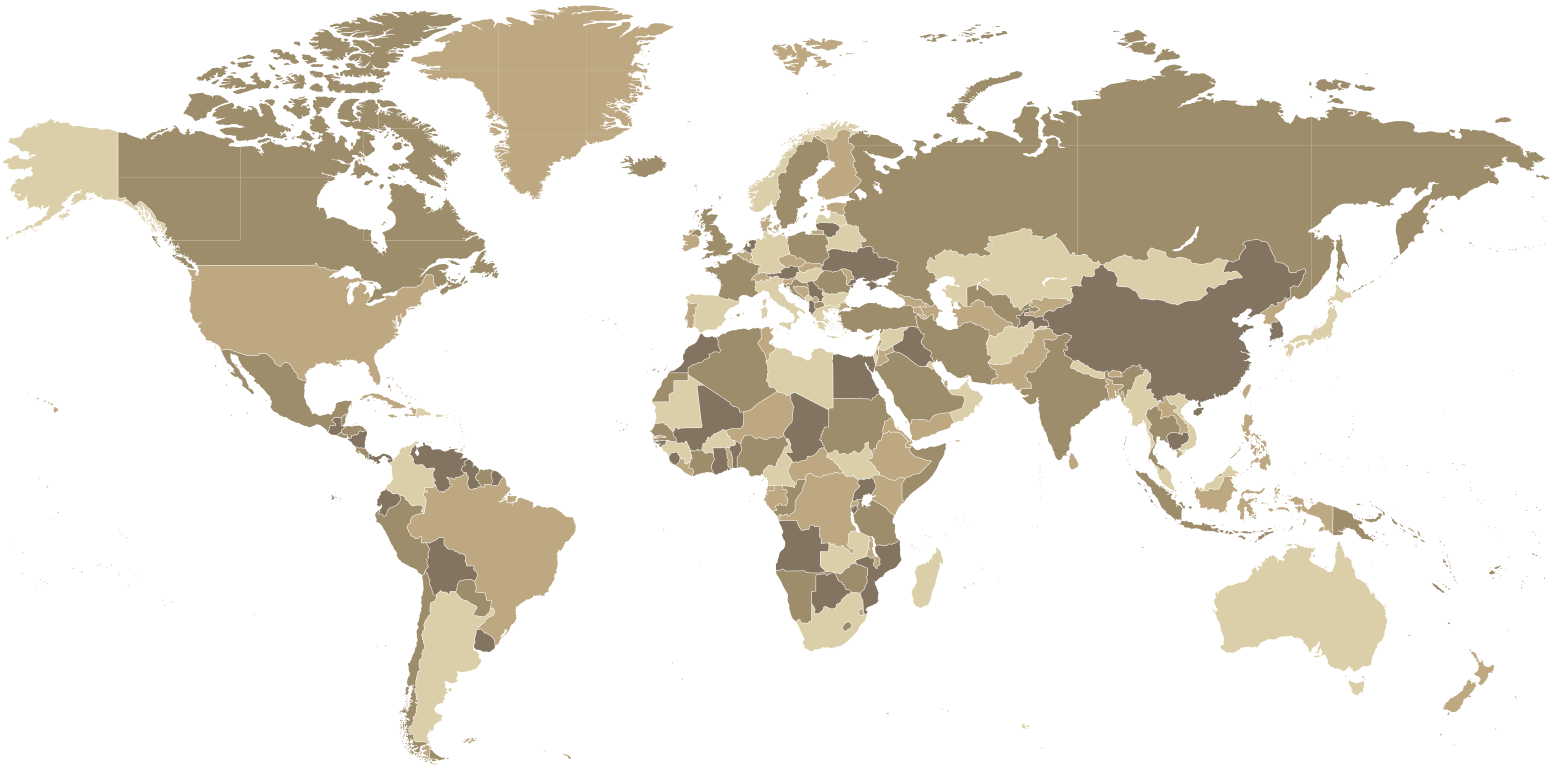

A RENEWED PARTNERSHIP IN SUPPORT OF CONSTITUTIONAL DEMOCRACY

Vlad Perju
Director, Clough Center for the Study of Constitutional Democracy
Professor, Boston College Law School

The Clough Center for the Study of Constitutional Democracy at Boston College is delighted to join, for the second year, I-CONnect in making this unique resource available to scholars and practitioners of constitutional law and policy around the world. The first - 2016 - edition of the Global Review of Constitutional Law, to which the Clough Center was a proud partner, received the outstanding reception it deserved as it quickly established itself as an indispensable resource for the world community. The 2017 edition, with its expanded number of jurisdictions, will undoubtedly solidify the reputation of the Global Review.

The Clough Center for the Study of Constitutional Democracy aims to offer a platform that meets, in depth and scope, the urgency of the ongoing challenges to constitutional democracy. Each year, we welcome to Boston College some of the world's leading jurists, historians, political scientists, philosophers and social theorists to participate in our programs and initiatives. The Center also welcomes visiting scholars from around the world, and I use this opportunity to encourage interested scholars to contact us. More information about the Center's activities, including free access to the Clough Archive, is available at http://www.bc.edu/centers/cloughcenter.html.

The Clough Center is deeply grateful to all the contributors to this year's Global Review, and to its editors. Particular thanks go to Professor Richard Albert, a trusted friend and partner of the Clough Center, for his vision and initiative in turning the Global Review into reality.

THE GLOBAL REVIEW TURNS THREE

Richard Albert and David Landau
Founding Co-Editors of I·CONnect and Co-Editors of the Global Review

Pietro Faraguna and Simon Drugda
Co-Editors of the Global Review

This year marks the third edition of the *I·CONnect-Clough Center Global Review of Constitutional Law*. First published in 2017 to review the constitutional law developments in the world in the year 2016, this edition reviews the constitutional law developments in the world in the year 2018.

From 44 jurisdictions in our first year and 61 last year, this year we are pleased to feature 65 jurisdictions. We continue to grow, slowly but steadily. With the help of our current roster of contributors and with new interest from our readers and others, we hope to continue expanding our coverage of the world.

The purpose of the Global Review has remained unchanged since its founding. It is to offer readers systemic knowledge that has previously been limited mainly to local networks rather than a broader readership. By making this information available to the larger field of public law in an easily digestible format, we aim to increase the base of knowledge upon which scholars and judges can draw. Our ambition is to make our vast world smaller, more familiar, and more accessible.

We are grateful to our authors for preparing their rich, insightful, and informative jurisdiction reports. We also thank the leadership team at the *International Journal of Constitutional Law*—Gráinne de Búrca and Joseph Weiler, Co-Editors-in-Chief, as well as Sergio Verdugo, Associate Editor, for publishing a few contributions from this year's Global Review focused on Latin America to coincide with the 2019 Annual Conference of the International Society of Public, held on July 1-3 in Santiago, Chile. We also wish to recognize the leaders of the Central and Eastern European Chapter of the International Society of Public Law for hosting a regional workshop this past year for Global Review contributors. We hope their initiative inspires others to host similar programs in their own part of the world. We give thanks as well to Gaurie Pandey at the Center for Centers at Boston College for her help once again in designing this beautiful volume.

We reserve our biggest thanks for Professor Vlad Perju, Professor of Law and Director of the Clough Center for the Study of Constitutional Democracy at Boston College. Professor Perju continues to inspire us with his vision for the Center, which he has transformed into a leading site in the world for discussion and debate on constitutionalism. A learned scholar of the field, a respected teacher, and a passionate defender of democracy, he has our deepest gratitude.

We invite interested authors from new jurisdictions to contact us via email at contact.iconnect@gmail.com to express their interest in producing a report for next year's Global Review. And, as always, we welcome feedback, recommendations, and questions from our readers.